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abandoning their own religious codes. Law was personal. Not simply was there no concept of equality before the law; there was no idea of sameness.

For these reasons, throughout the period of Arab and Ottoman rule the Christians and Jews were allowed a certain autonomy. Each sect formed a community, or as it was called in Arabic a 'millah' and in Turkish a 'millet', within the State and co-terminous with it. In matters affecting the community, the Government treated with it as a whole through its heads, and not with the members of it individually. Certain civil functions were devolved upon the spiritual heads and representative bodies of the communities. They were allowed to administer the property and institutions of their communities and to decide matters of personal status—marriage, divorce, inheritance and so on—in accordance with the tenets of their faith.

This system originated long before the establishment of the Ottoman Empire. It developed gradually and was only formalized in the nineteenth century by a series of Imperial edicts. Throughout the period of Moslem ascendancy it succeeded in preserving self-respect and a sense of community among the religious minorities, although it may also have helped to perpetuate bitterness and suspicion between them.

The heterodox sects which clung to the fringes of Islam were in a more ambiguous position. Officially they were regarded as parts of the general body of Islam; but in fact the cleavage between them and the orthodox was almost as great as that between Moslems and Christians, and they like the Christians were usually left to direct their internal affairs in accordance with customary law and the precepts of their religions.

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Since for Moslems and Christians alike consciousness of belonging to a religious community was the basis of political and social obligation, both were very conscious of not belonging to other communities; and the sense of distinctiveness led easily to suspicion and dislike. This was true also of every Christian sect in its relations with the others, for each sect formed a separate 'millet'; and of the orthodox Moslems in their relations with the heterodox. Difference of sect was

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Chapter Ten

SYRIA

Distribution of Minorities

THE table on page 76 shows the distribution of the Syrian population by religious confessions and provinces. 000

Written Guarantees

The Syrian Constitution issued in 1930 contains formal guarantees for the good treatment of minorities. Article 6 states that all Syrians are equal before the law, enjoy the same civil and political rights and shall not suffer discrimination on grounds of religion, race or language. Article 15 guarantees liberty of conscience and worship, and respect for the religious interests and personal status of all sects. Their educational and other rights are guaranteed by Article 28. Article 26 states that all Syrians are eligible for public offices without distinction. Finally, Article 37 lays down that the electoral law shall provide for the representation of confessional minorities. (This has in fact been done: every Chamber elected since the issue of the Constitution has contained an appropriate number of representatives of the minorities.) 641 563

Personal Status and Communal Organization

Until 1938, the law of personal status underwent much the same changes in Syria as in Lebanon. The same attempts were made to reform it, and met with the same obstacles. The most recent attempt was made in November 1938, when the High Commissioner issued a decree modifying and completing the decree issued in 1936 but never applied.

It met with bitter opposition, both religious and political. The Ulema objected to it on the ground that it contravened the Shariah. It allowed conversion from one sect to another, while the Shariah condemned apostasy. It gave to the heads of the communities the right of representing their communities *vis-à-vis* the authorities; but the Shariah recognised no such rights of representation. It laid down that the son should follow the

[Text continues on page 77 --Analyst]

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religion of his father in certain cases in which the two parents belonged to different sects, whereas the Shariah required him to follow the religion of his Moslem parent. 641 563

The Ulema presented a memorandum to the Nationalist Government of Jamil Mardam Bey, setting forth these and other theological objections and protesting against the decree. The Government was sympathetic to them, not only because of its desire to keep on good terms with orthodox Islam, but also because of the political circumstances of the moment. Franco-Syrian relations were strained, owing to the failure of the French Government to secure the ratification of the Treaty of 1936. The Syrian Ministry resented the way in which the decree had been issued by the High Commissioner, over its own head and that of the Chamber. When the Ulema presented their memorandum to the Prime Minister, he replied that his Government was not willing to accept the decree, and soon afterwards the Minister of Justice issued instructions to the Courts not to apply it.

Shortly afterwards, for this and other reasons, the Government resigned. The High Commissioner had triumphed on the constitutional question. Subsequently, however, in view of the passions which the decree had aroused, he issued a new one excluding Moslems from the application of the laws of 1936 and 1938. No further step to regularize the situation has been taken since then.

Divisions of the Country

631
The figures given in the first section show that there are three districts of Syria in which the Arab Sunnis do not possess a majority: they are Jebel Druze, where the Druzes are in the majority, Latakia, with a majority of Alawis, and the Jazirah, which is divided between Kurds, Arab Moslems and Christians of different kinds. It will be convenient to describe each of these districts separately before dealing with the remainder of the country. 563

Jebel Druze

Jebel Druze was settled in the course of the nineteenth century by Druzes coming from Lebanon in order to escape Turkish government, military service, foreign interference, Christian rivalry and in general all restrictions upon their liberty to follow 563

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and a section of the Armenians, were able to maintain good relations with the Government. In general, what troubles occurred were no more than were inevitable in a period of transition.

Developments since 1941

In September 1941, General Catroux proclaimed the independence of Syria. His proclamation contained the following statement about minorities:

> Free France considers that the State of Syria forms politically and territorially an indivisible unity, of which the integrity ought to be preserved against any dismemberment. In consequence she will look with favour upon the strengthening of the political, cultural, and economic links which unite the different portions of Syria. To this end, the Delegate-General and Plenipotentiary of Free France will revise the texts defining the particular status formerly accorded to certain regions, in such a way that, while the administrative and financial autonomy to which they show themselves firmly attached is preserved, they shall be politically subordinated to the Syrian central power. Thus the principle of Syrian unity and the particular aspirations of these regions will be reconciled.
>
> It remains understood, moreover, that the guarantees of public right set out in the organic statutes in favour of individuals and of communities will be maintained and given full effect.[1]

In accordance with these principles, the two autonomous territories were re-attached to the rest of Syria. Thus, the first Government formed after the proclamation contained a Druze and an Alawi Minister; and in February 1942, the two provinces were once more formally annexed to Syria, with provisions for a special administrative and financial regime. In September 1944 the Administrative Council of Jebel Druze voted unanimously for the abrogation of its special regime and complete incorporation in the Syrian State.

In the summer of 1943, elections were held and subsequently a nationalist government took office. As formerly, the Chamber contained representatives of the minorities and the Cabinet a Christian minister. The Government made clear its intention of treating all members of the community on a footing of complete

[1] General Catroux's Proclamation of Syrian Independence, September 28, 1941. *Journal Officiel de la France Libre* (London), Première année, No. 13, December 9, 1941.

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641 563 equality but, at the same time, of making its authority respected by all alike. In spite of these declarations, however, there were a series of petty incidents in 1944 which aroused the fears of some of the minorities: for example, local disorders and alleged injustices in government appointments. In some parts of the country, moreover, the Government had difficulty in imposing its authority. This was particularly true of the Alawi district, where Suleiman Murshid and his associates caused trouble; the Jazirah also was not quiet. There were a number of reasons for these difficulties: it was inevitable that the minorities should still retain their old fears of Sunni domination; it was no less natural that in a time of administrative changes certain local officials should abuse their powers and indulge their prejudices; it was unavoidable that families and groups should be disappointed when official appointments were made, and should blame the Government's choice on religious prejudice. None of these, 648 563 however, was the most important reason. That was to be found in the strained state of relations between the French and the nationalists in Syria. So long as France continued to deny the claim of the nationalists to full independence, they could not help feeling a certain resentment against the minorities who had so often been used as tools of French policy.

In 1945, after the Franco-Syrian crisis in the course of which Damascus was bombarded, Franco-Syrian political relations were at last regulated, and agreement was reached for the withdrawal of foreign troops from Syrian soil. The withdrawal took place in 1946, and thus the essential condition for the establishment of normal relations between majority and minorities was fulfilled.